

REMARKS

Claims 1-10, 16, 21 and 26-28 and 30-31 are pending in the instant application. Claims 21, 30 and 31 have been withdrawn under 37 C.F.R. 1.142(b) pursuant to a restriction requirement. Claims 1-10, 16 and 26-29 have been rejected by the Examiner. Claim 1 has been amended and claim 29 has been cancelled. The Applicant submits that the pending are in condition for allowance and requests reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

Drawings

Replacement drawing sheets are provided herewith in compliance with the Examiner's objections.

Claim Rejections Under 35 USC § 112

Claims 1-10, 16 and 26-29 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner noted specific problems only with regard to claims 1 and 26-28.

With regard to claim 1, the suggested amendments have been made.

With regard to claims 26-28, we note that this claim does positively recite installation of the ring on the reel seat. This is permissible as long as it does not contradict claim 1. The fact that claim 1 indicates that the ring is configured to engage either the butt portion or the reel seat does not conflict with the text of claim 26. Reconsideration is respectfully requested.

Summary

In the previous Office Actions, the Examiner cited many prior art references against the claims indicating that they could possibly read on the claims. The Applicant's previous amendments were made to rule out fishing hook rings that might slide along a length of the rod (by virtue of the "securely engage" language) and pliable (read flexible material or flimsy construction) constructions (by virtue of the "*rigid* fishing accessory ring").

As they stand, the claims are directed to a combination of a rigid accessory ring and a fishing rod, wherein the accessory ring is securely positioned on the butt or reel seat portions of the fishing rod. The benefit of 1) the rigid ring and 2) the positioning permits not only securing of tackle/hooks via the accessory ring, but also provides for the possibility of attaching a harness or safety line (without ripping apart the accessory ring, since the forces on these lines are often significant). To ensure that the accessory ring is truly secure, a threaded member is provided at some point near the accessory ring to ensure that accessory ring will not slide forward along the shaft. As will be seen below, none of the art cited by the Examiner describes rigid accessory rings attached to the butt portion or reel seat portion of a fishing rod that is configured to attach to fishing tackle or harness or safety lines.

Claim Rejections Under 35 USC § 102

Claims 1-10, 16 and 26-29 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,587,757 to Lirette (hereinafter “Lirette”). Review of Lirette reveals that it is directed to a fishing harness configured to be worn around the waist of a user, and not to a fishing accessory ring, configured to be securely engaged (there is no securing member as claimed in claim 1 or new claims 26-31) with a butt or reel seat portion of a fishing rod. Lirette is quite different from the claims at issue; no one in their right mind would confuse a fighting harness with an accessory ring and rod combination. Further, the ‘second aperture’ does not extend from the ‘first aperture’ but instead from the waist band of the fighting harness. Because these limitations are lacking from Lirette, the claims should be novel over Lirette. To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Bariant, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q. 2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). Reconsideration and allowance is respectfully requested.

Claims 1-10, 16 and 26-29 have also been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,719,695 to Ferguson (hereinafter “Ferguson”). Review of Ferguson reveals that it is directed to a fishing rod support configured to bolt to the

deck of a boat, and not to a fishing accessory ring, configured to be securely engaged with a butt or reel seat portion of a fishing rod. The Examiner wants to use a bracket for screwing a pole to a deck as a reference, stating that a fishing rod is not specifically claimed. This is untrue. Claim 1 recites both the fishing rod and accessory ring combination and a fishing rod shaft portion. Because these limitations are lacking from Ferguson, the claims should be novel over Ferguson. To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Bariant, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q. 2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). Reconsideration and allowance is respectfully requested.

Claims 1-9, 16 and 26-28 have also been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 309,028 to Byington (hereinafter “Byington”). Review of Byington reveals that it is directed to a fishing hook retainer that is slidable on the shaft of the fishing rod, and not to a fishing accessory ring, configured to be securely engaged (non-slidable) with a butt or reel seat portion of a fishing rod, and certainly not to an accessory ring that could receive or hold a harness safety line within one or more aperture rings, among others. Byington is quite different from the claims at issue. Because these limitations are lacking from Byington, the claims should be novel over Byington. To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Bariant, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q. 2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). Reconsideration and allowance is respectfully requested.

Claim Rejections Under 35 USC § 103

Claim 10 has also been rejected under 35 U.S.C. 103(a) as being unpatentable over Byington in view of U.S. Patent No. 3,839,811 to Hopkins (hereinafter “Hopkins”) or, in the alternative, over Byington in view of Phelps and further in view of Hopkins. Hopkins is introduced to show how an aperture away from the fishing pole shaft may be circular in cross section. However, claim 10 is not argued separately herein.

Claims 1-9, 16 and 26-29 have also been rejected under 35 U.S.C. 103(a) as being unpatentable over Byington in view of U.S. Patent No. 5,564,215 to Phelps (hereinafter "Phelps"). The deficiencies of Byington have already been noted above, which deficiencies relate to fact that Byington's "accessory ring" is not configured to securely engage a portion of a butt portion or reel seat portion such that the accessory ring is prevented from movement forward along the rod's longitudinal axis by a threaded securing member.

Phelps does teach an accessory ring prevented from moving rearwardly by the lip of a threaded member, but does not teach a threaded member preventing forward movement of the accessory ring. Phelps also does not teach a plurality of apertures, but instead teaches one kidney shaped aperture. Reconsideration and allowance are respectfully requested.

Claims 1-10, 16 and 26-29 have been rejected under 35 U.S.C. 103(a) as being obvious in view of U.S. Patent No. 2,556,403 to Sokolik (hereinafter "Sokolik") in view of Phelps. The deficiencies of Phelps have already been noted directly above.

Review of Sokolik reveals that it is directed to a fishing hook catch in an accessory ring, but the ring is elastic (Col. 1, line 21) and is specifically slidably adjustable on the pole length (Col. 1, line 6). This accessory ring is also not rigid (as required by the claims), is not configured to securely (non-slidable) engage a butt portion or reel seat portion of the rod, and would not be able to withstand the forces generated by, e.g., a harness line, but instead would rip off of the pole. Indeed, this reference teaches directly against non-slidable configurations by stating that it must be slidably adjustable. Because these limitations are lacking from Sokolik and because of the teachings of Sokolik itself, the claims should be patentable over Sokolik. In order to make out a prima facie case of obviousness, a proposed combination of prior art references must teach or suggest all of the limitations of the rejected claims. *In re Vaech*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (CCPA 1970). Reconsideration and allowance are respectfully requested.

Claims 1-9, 16, 17, 21 and 26-29 have been rejected under 35 U.S.C. 103(a) as being obvious in view of Japanese Patent No. 11-346606 to Shoji et al. (hereinafter "Shoji") in view of Phelps. The deficiencies of Phelps have already been noted above.

Review of Shoji reveals that it is indeed directed to a fishing hook catch in an accessory ring, but the ring is a separate D-ring (A in FIGURE 6), which would not be sufficiently rigid to support a harness line. Indeed, it seems clear that the D-ring system illustrated by Shoji is really only designed to attach to fishing hooks (such as the multiple head hook illustrated in FIGURE 3. There is no securing member as described by claim 1 and this accessory ring is not rigid (as required by the claims) such that it could possibly connect to a harness line or safety line. Because these limitations are lacking, the claims should be patentable over Shoji. In order to make out a prima facie case of obviousness, a proposed combination of prior art references must teach or suggest all of the limitations of the rejected claims. *In re Vaech*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (CCPA 1970). Reconsideration and allowance is respectfully requested.

CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the applicant deems to be the invention, it is respectfully requested that the pending claims be passed to issue.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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